

## **SECURITY FOR ALABAMA FUNDS ENHANCEMENT (SAFE) PROGRAM**

### **INTERNAL PROCEDURES FOR SAFE PUBLIC MEETINGS AND OPEN MEETINGS LAW COMPLIANCE**

**JANUARY 2006**

#### **INTRODUCTION**

It is the policy of the SAFE Board as a governmental body that its deliberative process be conducted in Meetings open to the public in compliance with the Open Meetings Law, codified as Section 36-25A-1 through 11, Code of Alabama herein (the "Law"). The SAFE Program of the State Treasury is committed to facilitating the rights of all interested citizens to attend Meetings of the Board of Directors as well as other Meetings that may occur from time to time through committees or sub-committees of the Board.

These Internal Procedures are adopted to provide procedural guidance for the SAFE Board; to inform the public of their right to attend such Meetings; and to provide useful and directive information to make attending public Meetings more meaningful and informative. Further, the Internal Procedures will provide guidance to insure Meetings proceed in an orderly fashion that does not disrupt the ability of the SAFE Board to discharge its duties, goals and to consistently accomplish its objectives. Copies of these procedures, as may be amended from time to time, will be available to the public in the Office of the State Treasurer, State Capitol Building, 600 Dexter Avenue, Room S-106, Montgomery, Alabama and on the Treasury internet website [www.Treasury.alabama.gov](http://www.Treasury.alabama.gov).

## **DEFINITIONS**

**DELIBERATION** means an exchange of information or ideas among a Quorum of members of a governmental body intended to arrive at or influence a decision as to how the members of the governmental body should vote on a specific matter that, at the time of the exchange, the participating members expect to come before the body immediately following the discussion or at a later time.

**EXECUTIVE SESSION** means that portion of a Meeting of the SAFE Board from which the public is excluded for one or more of the reasons prescribed in [Section 36-25A-7\(a\)](#).

**GENERAL REPUTATION AND CHARACTER** means characteristics or actions of a person directly involving good or bad ethical conduct, moral turpitude, or suspected criminal activity, not including job performance.

**JOB PERFORMANCE** means the observed conduct or actions of a public employee or public official while on the job in furtherance of his or her assigned duties. Job performance includes whether a person is Meeting, exceeding, or failing to meet job requirements or whether formal employment actions should be taken by the governmental body. Job performance does not include the general reputation and character of the person being discussed

**MEETING** means the following subject to limitations of the Law.

1. The prearranged gathering of a Quorum of a governmental body or a Quorum of a committee or subcommittee of a governmental body at a time and place which is set by law or operation of law.
2. The prearranged gathering of a Quorum of a governmental body or a Quorum of a committee or subcommittee of a governmental body during which the body, committee, or subcommittee of the governmental body

is authorized, either by law or otherwise, to exercise the powers which it possesses or approve the expenditure of public funds.

3. The gathering, whether or not it was prearranged, of a Quorum of a governmental body or a Quorum of a committee or a subcommittee of a governmental body during which the members of the governmental body deliberate specific matters that, at the time of the exchange, the participating members expect to come before the body, committee or subcommittee at a later date.

**OPEN OR PUBLIC PORTION OF A MEETING** means the open or public portion of a Meeting which has not been closed for Executive Session in accordance with the Law for which prior notice was given in compliance with the law, and which is conducted so that constituents of the SAFE Board, members of the media, persons interested in the activities of the SAFE Board, and citizens of this state could, if they desired, attend and observe."

**PROFESSIONAL COMPETENCE** means the ability of an individual to practice a profession within the profession's acceptable standards of care and responsibility. A profession is a vocation requiring certification by the State of Alabama or passage of a state licensing examination that may only be granted to or taken by persons who have completed at least three years of college-level education and obtained at least a college-level degree

**QUORUM** refers to the number of members that are required to be present to conduct deliberation and vote on issues at a covered Meeting. A SAFE Quorum as defined in Section 41-14A-16(b), Code of Ala. provides that notwithstanding the existence of vacancies on the board of directors, two thirds of the voting members then serving shall constitute a Quorum.

### **THE RULES OF ORDER**

The SAFE Board has adopted Robert's Rules of Order as the source of authority to conduct Meetings, deliberations and voting of the SAFE Board of directors, covered Committees, and Sub-Committees. The Board will refer to this publication for guidance and authority to decide all procedural issues and questions.

### **NOTICE TO PUBLIC**

The SAFE Program is required to provide notification to the public of Meetings subject to the Law. SAFE will submit notice of its Meetings to the Secretary of State. The Secretary of State shall post the notice on the Internet for at least seven calendar days prior to the day of the Meeting. Notices shall include the date, time and place of the Meeting and will include the tentative agenda for the Meeting if such agenda has been prepared and is available. SAFE will also post notices of not less than one day (24 hours) for committee, sub-committee and task force Meetings that relate to, or involve matters members expect may come before the Board for deliberation at a future time. SAFE will post notices of not less than one hour for emergency Meetings.

### **NOTICE TO BOARD**

The Treasury staff will provide mailings to the Board at least 12 calendar days in advance of Board Meetings that will include the tentative agenda, minutes from the prior Meeting, identification of informational items to be presented and copies of proposed resolutions with pertinent documents for their review. Board Meeting dates will be set for the next calendar year at the last quarterly Meeting of the calendar year which may be changed as circumstances dictate.

## **PARLIAMENTARY PROCEDURE**

The SAFE Meetings usual parliamentary procedures for conducting a Meeting are as follows:

1. Chair calls Meeting to Order and directs Secretary to call the roll and confirm the presence of a Quorum needed to officially conduct business.

2. Chair recognition and identification of staff and visitors

3. Chair announces that only Board members have voice and vote and that comments will be taken from others following end of discussion by Board and prior to call for Board vote.

4. Chair calls for approval of minutes of most recent prior Meeting

5. Chair calls for Report of SAFE Director

6. Chair calls for consideration of Informational Items  
[Requires no vote or action of Board.]

7. Chair calls for consideration of Decisional Items. Decisional items are to have been an informational item on a previous Meeting agenda to be considered for decision; however, the Board may by a Quorum majority vote to bring up any item for a decision vote.

- Invitation for discussion
- Call for motion and vote on issue or resolution prepared for issue.
- Discretionary call for comments from non-board members prior to call for vote on the item.

8. Chair calls for presentation of any other business

9. Chair calls for adjournment

## **VOTING**

All votes on matters before the SAFE Board, a committee or a sub-committee shall be taken by voice vote openly in the public portion of all Meetings. Individual voice votes shall be required in the event there are any negative votes indicated in

response to the call and shall be recorded in the minutes. SAFE does not allow for any vote to be taken by secret ballot. An abstention from a voice vote must be declared by the abstainer immediately before or immediately after the voice vote in order to be reflected in the official minutes.

#### **RECORD OF THE MEETING**

The SAFE Program shall maintain accurate records of its Meetings, excluding Executive Sessions, setting forth the date, time, place, members present or absent, and actions taken at each Meeting. The minutes of the Meeting will be signed by the Chairman after approval by the Board. The records of each Meeting shall become a public record and be made available to the public as soon as practicable after approval, except as otherwise provided by law. The records and minutes of SAFE Meetings will be available for inspection and copying upon advance written request with appropriate arrangement made for an appointment and payment of the expenses related to the process which are the responsibility of the requesting party.

#### **EXECUTIVE SESSION**

Executive sessions are not required by the Law but may be held for the purposes and in compliance with the procedures of § 36-25A-7 and subject to the limitations thereof. SAFE shall consult the Law for compliance, limitations and exceptions prior to going into Executive Session. Some of the reasons for Executive Sessions are generally described below.

(1) To discuss the general reputation and character, physical condition, professional competence, or mental health of individuals. Discussions of Job Performance are not appropriate and are generally prohibited in Executive Session except as may be specifically allowed by the Law for certain public employees. SAFE will not discuss job performance of any employee in

Executive Session without advance consultation with legal counsel and SAFE agreement that such discussion is allowed by Law.

(2) When expressly allowed by federal law or state law, to consider the discipline or dismissal of, or to hear formal written complaints or charges brought against a public employee, a corporation, partnership, or other legal entity subject to the regulation of SAFE.

(3) To discuss with the SAFE attorney the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the SAFE pursues a proposed course of action, or to meet or confer with a mediator or arbitrator with respect to any litigation or decision concerning matters within the jurisdiction of SAFE.

(4) To discuss security plans, procedures, assessments, measures, or systems, or the security or safety of persons, structures, facilities, or other infrastructures, including, without limitation, information concerning critical infrastructure, as defined by federal law, and critical energy infrastructure information, as defined by federal law, the public disclosures of which could reasonably be expected to be detrimental to public safety or welfare.

SAFE when convening an Executive Session, other than to conduct a quasi-judicial or contested case hearing, shall utilize the following procedure:

(1) A Quorum of SAFE must first convene a Meeting as defined herein.

(2) A Quorum majority of the members must adopt, by recorded vote, a motion calling for the Executive Session and setting out the purpose of the Executive Session if the Law requires an oral or written declaration before the Executive

Session can begin, such oral or written declaration shall be made, prior to the vote.

(3) The vote of each member shall be recorded in the minutes.

(4) Prior to calling the Executive Session to order, the Chair shall state whether SAFE will reconvene after the Executive Session and, if so, the approximate time reconvention will occur.

#### **APPOINTMENT OF COMMITTEES AND TASK FORCES**

The Treasurer as Chair of the SAFE Board shall establish and appoint committees, sub-committees from the Board members as an operational matter in its discretion. Committees and Sub-Committees may conduct deliberations when a Quorum is present and in accord with the Law. Task Forces may be established as an operational matter by the Treasurer as Chair and may include Board members and other professional or lay persons selected by the Chair. Task forces are established strictly to gather or produce information, data, items or recommendations to the Board that will thereafter be deliberated by the Board, its committees or sub-committees in compliance with the Law.

#### **PUBLIC RECORDING OF THE MEETING**

1. All persons attending the SAFE Meeting may openly record the Meeting through a tape recorder or other "sonic" recording device, by a video recorder and by a photographic camera.) The recording of the Meeting cannot disrupt the conduct of the Meeting. Neither the public nor the media have the right to record *Executive Sessions*.

2. Requests to record must be delivered to the Treasurer in writing or by electronic mail 48 hours in advance. The requests are for informational and planning



purposes and do not diminish the right of the public to record a Meeting.

3. Receipt of request confirmation will be provided by mail, email or facsimile.

4. Each recording citizen must sign in with current address and telephone numbers at the time of entry to the Meeting.

5. Equipment must be in place thirty minutes in advance of the scheduled Meeting time. Equipment must be in a stable, secure and non-disruptive position during the Meeting. Recording equipment will be placed as directed by Treasury staff.

6. The recording citizen must be orderly, quiet and non disruptive to the Meeting. Violators will be denied entrance or ejected from the Meeting as circumstances dictate.

7. Equipment must not disrupt the Meeting by noisy operation.

8. All recording equipment and persons operating same must remain at a non disruptive distance from the table where Board members are seated.

9. Questioning or commenting during the Board Meeting is prohibited. Neither the public nor the media have voice at the Meeting and shall refrain from vocalizations except as invited by the Chair during the Meeting.

10. SAFE Board members and Treasury staff may, but are not required to, respond to questions or give statements before the Meeting or after the Meeting is adjourned. This procedure also applies to communications at times and places not associated with a board meeting. Board members are free to communicate with the public and media in any manner they choose. Board members are encouraged to communicate with Treasury staff for information or data needed to accurately

respond to such inquiries; or refer the inquiry to Treasury staff if a Board member does not desire to respond directly.

11. Broadcasting of the Meeting to the internet via web casting, web cameras or any other device is strictly prohibited.

12. All audio and video recording must cease immediately upon adjournment of the Meeting except for brief question and answer session that may be allowed and announced by the Board at the time of adjournment.

13. All video and audio recording devices must be in plain view and easily identifiable to Board members and treasury staff. Possession or use of secret or undisclosed recording devices is strictly prohibited and will be reason for ejection from the Meeting.